

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**IN RE:**

**Neal A. Malega  
Jacqueline M. Foley**

Case No. 20-41079-mar  
Honorable Mark A. Randon  
Chapter 13

Debtors \_\_\_\_\_/

**DEBTORS' OBJECTION TO PROOF OF CLAIM NO. 13 FILED BY  
MICHIGAN DEPARTMENT OF TREASURY**

**NOW COMES** the debtor(s) by and through counsel, Marrs & Terry, PLLC, and states as follows:

1. Debtors filed this Chapter 13 case on January 26, 2020.
2. Creditor filed proof of claim No. 13 indicating that Mr. Malega had not filed a 2016 State tax return and listed an estimated tax deficiency of \$5000.00 with \$518.99 of interest and \$1250.00 in penalty.
3. Mr. Malega provided a signed copy of the 2016 return to counsel and said return was provided to the State of Michigan for processing. To date an amended proof of claim has not been filed.
4. The signed 2016 return indicates an obligation for 2016 of only \$248.00.
5. As the 2016 liability is \$248.00, the proof of claim should be disallowed as to the \$1250 of unsecured penalty and disallowed as to \$5270.99 of priority debt. This would leave a priority claim of \$499.43 and an unsecured claim of \$56.70 for a total claim of \$556.13.

**WHEREFORE**, the Debtor asks that this Honorable Court allow Claim No. 13 as a total claim of \$556.13 with \$499.43 as a priority claim and \$56.70 as a general unsecured claim.

Dated: October 22, 2020

/s/ Tricia S. Terry  
Tricia S. Terry (P59522)  
Marrs & Terry, PLLC  
6553 Jackson Rd.  
Ann Arbor, MI 48103  
(734) 663-0555  
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Chapter 13

Debtors \_\_\_\_\_/

**ORDER GRANTING DEBTORS' OBJECTION TO PROOF OF CLAIM NO. 13  
FILED BY MICHIGAN DEPARTMENT OF TREASURY**

This matter having come before the Court by way of objection of the Chapter 13 Debtor(s) to the allowance of above-referenced claim and service having been made with a notice of hearing allowing a thirty (30) day notice period pursuant to F.R.Bankr.P. 3007, the requisite time having passed without a response having been timely served and the Court being otherwise sufficiently advised in the premises;

**IT IS HEREBY ORDERED** that Claim No. 13 is allowed only as a total claim of \$556.13 with \$499.43 as a priority claim and \$56.70 as a general unsecured claim.

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**IN RE:**

**Neal A. Malega**  
**Jacqueline M. Foley**  
xxx-xx-8386 xxx-xx-8438  
38648 Florence, Westland MI 48185  
\_\_\_\_\_  
Debtors

Case No. 20-41079-mar  
Honorable Mark A. Randon  
Chapter 13

**NOTICE OF OBJECTION TO CLAIM**

The Chapter 13 debtor(s) has filed an objection to your claim in this bankruptcy case.

**Your claim may be reduced, modified, or denied. You should read these papers carefully and discuss them with your attorney, if you have one.**

If you do not want the court to deny or change your claim, then on or before, November 25, 2020, you or your lawyer must:

1. File with the court a written response to the objection, explaining your position, at:  
U.S. Bankruptcy Court  
211 W. Fort Street, Suite 2100  
Detroit, Michigan 48226

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Marrs & Terry, PLLC  
6553 Jackson Rd.  
Ann Arbor, Michigan 48103

Chapter 13 Trustee  
Krispen S Carroll  
719 Griswold  
Suite 1100.  
Detroit, Michigan 48226

2. Attend the hearing on the objection, scheduled to be held on December 2, 2020 at 12:00 p.m. in Courtroom 1825, 211 W Fort St, Detroit, Michigan 48226, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor other evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

**If you, or your attorney, do not take these steps, the Court may deem that you do not oppose the objection to your claim, in which event, the hearing will be cancelled, and the objection sustained.**

Dated: October 22, 2020

/s/ Tricia S. Terry  
Tricia S. Terry (P59522)  
Marrs & Terry, PLLC  
6553 Jackson Rd  
Ann Arbor, MI 48103  
(734) 663-0555  
ttery@marrsterry.com

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**CERTIFICATE OF MAILING**

I hereby certify that on the date indicated below, I electronically filed **DEBTORS' OBJECTION TO PROOF OF CLAIM NO. 13 FILED BY MICHIGAN DEPARTMENT OF TREASURY** and **NOTICE OF OBJECTION TO CLAIM** with the Clerk of the Court using the ECF system which will send notification of such filing to registered ECF participants and I hereby certify that I have mailed by United States Postal Service the above mentioned documents to the following non-ECF participants:

Michigan Department of Treasury  
Bankruptcy Unit  
PO Box 30168  
Lansing MI 48909

Michigan Department of Attorney General  
Cadillac Place, 10<sup>th</sup> Floor  
3030 W. Grand Blvd, Suite 10-200  
Detroit MI 48202

Dated: October 22, 2020

/s/ Bridget Long  
Bridget Long  
Marrs & Terry PLLC  
6553 Jackson Rd  
Ann Arbor, MI 48103  
(734) 663-0555  
blong@marrsterry.com